

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRITZ HYDRO CANADA INC., the successor to
VA TECH HYDRO CANADA, INC.,

Plaintiff,

vs.

ROCHESTER GAS AND ELECTRIC CORPORATION,

Defendant.

**DECLARATION OF
JOHN R. FORBUSH**

Civil Action No.:
6:20-cv-06772-FPG

I, John R. Forbush, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that:

1. I am Counsel (in-house) for Avangrid Networks, Inc., parent company to Rochester Gas and Electric Corporation (“RG&E”), and have personal knowledge of the following based on RG&E’s corporate records. I make this Declaration in support of RG&E’s motion to dismiss.

2. Attached as **Exhibit A** is a true and correct copy of Schedule C, which the Supplier Agreement incorporates by reference. Dkt. 1-1 at 20. Schedule C consists of VA Tech Hydro Canada, Inc.’s October 26, 2007 proposal for turbine/generator and accessory equipment.

3. Attached as **Exhibit B** is a true and correct copy of RG&E’s purchase order issued to Andritz on or about February 11, 2008, for the purchase of certain generator equipment, spare parts and related field services.

4. Attached as **Exhibit C** is a true and correct copy of the May 27, 2020 letter sent by counsel for Andritz Hydro Canada, Inc. to RG&E.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 17, 2020

s/John R. Forbush
John R. Forbush